

ESTTA Tracking number: **ESTTA690234**

Filing date: **08/18/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Tinder, Inc.
Granted to Date of previous extension	08/19/2015
Address	P.O. Box 25458 Dallas, TX 75225 UNITED STATES
Attorney information	Jonathan D. Reichman, Esq. Kenyon & Kenyon LLP One Broadway New York, NY 10004 UNITED STATES tmdocketny@kenyon.com Phone:2124257200

### Applicant Information

Application No	86452881	Publication date	04/21/2015
Opposition Filing Date	08/18/2015	Opposition Period Ends	08/19/2015
Applicant	rehavi, joseph 95 Wall Street New York, NY 10005 UNITED STATES		

### Goods/Services Affected by Opposition


Class 045. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Computer dating services; Dating services; Internet based social networking, introduction, and dating services

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4479131	Application Date	08/02/2012
Registration Date	02/04/2014	Foreign Priority Date	NONE
Word Mark	TINDER		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2012/08/02 First Use In Commerce: 2012/08/02 Downloadable software in the nature of a mobile application for internet-based dating and matchmaking; downloadable software in the nature of a mobile application in the field of social media, namely, for sending status updates to subscribers of web feeds, uploading and downloading electronic files to share with others

Attachments	85980800#TMSN.png( bytes ) SINDER - Not of Opp.pdf(96616 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jonathan D. Reichman/
Name	Jonathan D. Reichman, Esq.
Date	08/18/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application:

Serial No. : 86/452,881  
Applicant : Joseph Rehavi  
Filed : November 13, 2014  
Mark : SINDER

Published in the *Official Gazette* of April 21, 2015

TINDER, INC.,

*Opposer,*

v.

JOSEPH REHAVI,

*Applicant.*

Opposition No. \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Tinder, Inc. (“Tinder”), a corporation existing under the laws of the state of Delaware and having an address of P.O. Box 25458, Dallas, TX 75225, believing it will be damaged by registration of “SINDER” as a service mark in International Class 045 for “Computer dating services; Dating services; Internet based social networking, introduction, and dating services” as shown in Serial No. 86/452,881, hereby opposes same.

As grounds for opposition, Tinder alleges as follows:

1. Applicant, Joseph Rehavi, seeks registration of SINDER as a service mark in International Class 045 for “Computer dating services; Dating services; Internet based social networking, introduction, and dating services” (“the Applicant’s Services”).
2. Applicant filed Application Serial No. 86/452,881 on November 13, 2014 (the “Application Date”), claiming a *bona fide* intent to use the mark pursuant to Section 1(b) of the Lanham Act.
3. Tinder is the owner of U.S. Reg. No. 4,479,131 for the mark TINDER (the “TINDER® Mark”) in International Class 9 in connection with “downloadable software in the nature of a mobile application for internet-based dating and matchmaking; downloadable software in the nature of a mobile application in the field of social media, namely, for sending status updates to subscribers of web feeds, uploading and downloading electronic files to share with others” (the “TINDER Goods”). The mark was applied for on August 2, 2012, and registered on February 04, 2014. (Printouts showing the above registration and title status are attached as **Exhibit A**).
4. As a result of its use, Tinder also owns common law trade name and trademark rights in the term TINDER as it relates to the TINDER Goods, and as it relates to online dating, social networking and introduction services (the “TINDER Services”).
5. Tinder (including its predecessor-in-interest) has used the TINDER® Mark and TINDER trade name in interstate commerce in connection with the TINDER

Goods and the TINDER Services since at least as early as August 2, 2012. Such use is well before the November 13, 2014 filing date of Application Serial No. 86/452,881.

6. Tinder (including its predecessor-in-interest) has invested significant resources in advertising and promoting the goods and services sold under the TINDER® Mark and in connection with the TINDER trade name. As such, consumers, the trade, and others regard Tinder as the origin of goods or services sold under the TINDER® Mark and in connection with the TINDER trade name, especially when such goods or services relate to online dating or social introduction.
7. The Applicant's Services are identical to the TINDER Services. Furthermore, upon information and belief, Applicant will offer the Applicant's Services under the SINDER mark to a variety of customers, many of whom are likely to be familiar with, or actual purchasers or users of, goods and services offered or provided by Tinder in connection with its TINDER® Mark and TINDER trade name.
8. As may be seen by comparing the marks at issue, Applicant's SINDER mark is virtually identical to Tinder's registered TINDER® Mark and TINDER trade name. The insignificant modification of replacing the letter "T" with the letter "S" is unlikely to dispel confusion and, in fact, will likely *heighten* confusion, as many consumers are apt to believe that "SINDER" is merely yet another TINDER®-branded service offered by Tinder in connection with its registered and well-known TINDER® Mark and TINDER trade name. Moreover, the letter "S" is evocative of Tinder's registered and well known mark SWIPE® (the

- “SWIPE® Mark”). Tinder’s registration of the SWIPE® Mark in connection with “computer application software for mobile devices, namely, software for social introduction and dating services” is a matter of public record, as evidenced in part by U.S. Trademark Registration No. 4,465,926.
9. Applicant’s proposed use of the mark SINDER in connection with the Applicant’s Services thus is likely to cause consumers mistakenly to believe that such services are somehow related to Tinder, the TINDER® Mark or the TINDER trade name, or that such services originate from, or are sponsored or approved by, Tinder (or vice versa). This confusion and mistake are likely to cause injury to Tinder.
  10. Tinder has not given Applicant permission or approval to use the mark SINDER, or to incorporate the TINDER® designation (in whole or in part) into any mark.
  11. If Applicant is awarded a registration for the mark SINDER in connection with the Applicant’s Services as shown in Serial No. 86/452,881, he would be entitled to the presumptions flowing from such a registration, all to the injury of Tinder.
  12. Concerned about the potential for confusion and harm, Tinder timely filed a request for extension of the time to oppose the subject application, and is now filing this Notice of Opposition, all within the prescribed statutory periods.
  13. Accordingly, registration for the mark applied for under Serial No. 86/452,881 should be refused under the provisions of Section 2(d) of the Lanham Act.
  14. Furthermore, as a result of its long, extensive, and continuous use, as well other factors listed in Section 43(c) of the Lanham Act, the distinctive TINDER® Mark and TINDER trade name are famous within the meaning of Section 43(c) of the Lanham Act, and they acquired such fame before the Application Date.

15. Applicant's proposed use of SINDER as a trademark will dilute the distinctive quality of the famous TINDER® Mark and TINDER trade name, and, thus, will cause dilution as set forth in Section 43(c) of the Lanham Act, thereby injuring Tinder.
16. Accordingly, registration for the mark applied for under Serial No. 86/452,881 should be refused under the provisions of Sections 2, 13 and 43(c) of the Lanham Act.

WHEREFORE, Opposer Tinder, Inc. prays that Application Serial No. 86/452,881 be rejected; that no registration be issued to Applicant; and that this opposition be sustained in favor of Tinder.

Please address all future communications regarding this opposition to:

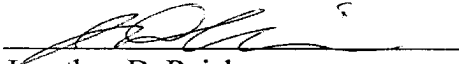
Jonathan D. Reichman  
Jeremy S. Boczko  
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If any fees associated with this proceeding are required and were not paid during the course of the electronic filing process, please charge such fees to Deposit Account 11-0600 (Our Ref. 16383/0086).

Respectfully submitted,

KENYON & KENYON LLP

Date: August 18, 2015

By:   
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Jeremy S. Boczko  
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*Counsel for Opposer,  
Tinder, Inc.*



# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office

# TINDER

**Reg. No. 4,479,131**

**Registered Feb. 4, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

TINDER, INC. (DELAWARE CORPORATION)  
P.O. BOX 25458  
DALLAS, TX 75225

FOR: DOWNLOADABLE SOFTWARE IN THE NATURE OF A MOBILE APPLICATION FOR INTERNET-BASED DATING AND MATCHMAKING; DOWNLOADABLE SOFTWARE IN THE NATURE OF A MOBILE APPLICATION IN THE FIELD OF SOCIAL MEDIA, NAMELY, FOR SENDING STATUS UPDATES TO SUBSCRIBERS OF WEB FEEDS, UPLOADING AND DOWNLOADING ELECTRONIC FILES TO SHARE WITH OTHERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-2-2012; IN COMMERCE 8-2-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-980,800, FILED 8-2-2012.

TOBY BULLOFF, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

Generated on: This page was generated by TSDR on 2015-08-18 11:21:55 EDT

Mark: TINDER

TINDER

US Serial Number: 85980800      Application Filing Date: Aug. 02, 2012  
US Registration Number: 4479131      Registration Date: Feb. 04, 2014  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Feb. 04, 2014  
Publication Date: Jul. 16, 2013      Notice of Allowance Date: Sep. 10, 2013

## Mark Information

Mark Literal Elements: TINDER  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 85693373  
Child Of: 85693373

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Downloadable software in the nature of a mobile application for internet-based dating and matchmaking; downloadable software in the nature of a mobile application in the field of social media, namely, for sending status updates to subscribers of web feeds, uploading and downloading electronic files to share with others

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 02, 2012

Use in Commerce: Aug. 02, 2012

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: TINDER, INC.  
Owner Address: P.O. BOX 25458  
DALLAS, TEXAS 75225  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan D. Reichman

Docket Number: 15227/

Attorney Primary Email [tmocketny@kenyon.com](mailto:tmocketny@kenyon.com)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** JONATHAN D. REICHMAN  
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Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 21, 2015	NOTICE OF SUIT	
Apr. 07, 2015	NOTICE OF SUIT	
Feb. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 31, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 30, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Dec. 30, 2013	ASSIGNED TO LIE	70633
Dec. 23, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 19, 2013	STATEMENT OF USE PROCESSING COMPLETE	76538
Nov. 13, 2013	USE AMENDMENT FILED	76538
Dec. 19, 2013	DIVISIONAL PROCESSING COMPLETE	
Nov. 13, 2013	DIVISIONAL REQUEST RECEIVED	
Dec. 12, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Nov. 13, 2013	TEAS REQUEST TO DIVIDE RECEIVED	
Nov. 13, 2013	TEAS STATEMENT OF USE RECEIVED	
Oct. 30, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 10, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 16, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2013	PUBLISHED FOR OPPOSITION	
Jun. 26, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 07, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Jun. 06, 2013	ASSIGNED TO LIE	67287
May 20, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 17, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 17, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Nov. 27, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 27, 2012	FINAL REFUSAL E-MAILED	
Nov. 27, 2012	FINAL REFUSAL WRITTEN	82413
Nov. 07, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 07, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 07, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 12, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2012	NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2012	NON-FINAL ACTION WRITTEN	82413
Sep. 05, 2012	ASSIGNED TO EXAMINER	82413
Aug. 10, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Aug. 06, 2012      NEW APPLICATION ENTERED IN TRAM

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## **TM Staff and Location Information**

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**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Dec. 30, 2013

## CERTIFICATE OF SERVICE

I hereby certified that the required number of copies of the foregoing *Notice of Opposition* and accompanying Exhibit A, was served as shown below:

***By U.S. Mail (Postage Prepaid)***

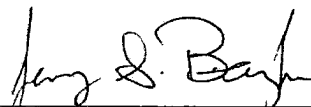
Correspondence Information/Attorney

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10 Bond St, Ste 420  
Great Neck, N.Y. 11021-2454

Date: August 18, 2015

By:

  
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